

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION**

R.J. Reynolds Tobacco Company,	)	
	)	
Plaintiff,	)	<b>Civil Action No. 05CV253</b>
vs.	)	
	)	
Market Basket Food Stores, Inc., <i>et al.</i> ,	)	<b>Hon. Richard L. Voorhees</b>
	)	
Defendants.	)	
	)	

**AGREED ORDER OF DISMISSAL WITH PREJUDICE OF  
DEFENDANTS APPCO AND JEFFREY BENEDICT**

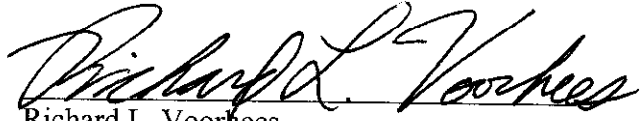
The Court considered the Join Motion to Dismiss of Plaintiff R.J. Reynolds Tobacco Company (hereinafter "RJRT") and Defendants Appalachian Oil Company, Inc. (hereinafter "APPCO") and Jeffrey Benedict brought under Federal Rule of Civil Procedure 41(a)(2), and acknowledges that all matters among those parties which were or could have been asserted in the above-referenced lawsuit have been resolved by agreement between them.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that all causes of action or claims asserted by RJRT against APPCO and Benedict in the above-referenced lawsuit, or which could have been asserted by RJRT against APPCO and Benedict, or vice versa, are dismissed with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this order does not dismiss RJRT's claims against the remaining Defendants in this action, all such claims being expressly reserved by RJRT.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, as between RJRT and APPCO, each party shall be responsible for their respective legal fees and RJRT agrees to cover court costs.

This 4<sup>th</sup> day of Oct., 2006.

  
Richard L. Voorhees  
United States District Judge